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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,737	01/21/2004	Hiroyuki Okada	1715523	3650
24240	7590	08/13/2004		
CHAPMAN AND CUTLER 111 WEST MONROE STREET CHICAGO, IL 60603			EXAMINER ORTIZ RODRIGUEZ, CARLOS R	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/761,737	Applicant(s) OKADA ET AL.	
	Examiner Carlos Ortiz-Rodriguez	Art Unit 2125	

*S*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 1,2 and 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term “setting item” is not found in the specifications.

### ***Claim Objections***

2. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 5 rejected under 35 U.S.C. 112, second paragraph.  
  
Regarding claim 5, the term “step-like” is indefinite because it is unclear what applicant intends to cover by the term “step-like”.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 6-8 rejected under 35 U.S.C. 102(b) as being anticipated by Mizuno U.S Patent No. 6,059,635.

Regarding claim 1, Mizuno discloses a lens layout setting apparatus for a lens grinding processing apparatus comprising(C1L65-67); function setting means for performing various settings required for processing eyeglass lens shape data for an eyeglass frame, and data used for grinding the an eyeglass lens based on the eyeglass lens shape data (C3L40-45), and setting one or more of setting items (C5L27-48 and FIG7 Tracer Calibration, Wheel Parameter ...); and control means for controlling said function setting means wherein said control means controls setting of said function setting means (C5L50-55, arithmetic control circuit formed of a microprocessor) so that addition or deletion (FIG11) of said setting item of said function setting means, or re-arrangement (processing sequence) of an order of said setting item is carried out (C5L55-67). It should be noted that the "setting item" is interpreted as the different sections that appear under the display of the "System Setting Mode" of FIG7 disclosed in the Mizuno reference.

Regarding claim 2, Mizuno discloses a lens layout setting apparatus for a lens grinding processing apparatus comprising(C1L65-67): function setting means for performing on a screen various settings required for processing eyeglass lens shape data (C5L23-26) for an eyeglass frame, and data used for grinding the an eyeglass lens based

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on the eyeglass lens shape data, and setting one or more of setting items(C5L27-48 and FIG7 Tracer Calibration, Wheel Parameter); and control means for controlling said function setting means wherein said control means controls setting of said function setting means (C5L50-55, arithmetic control circuit formed of a microprocessor) so that said setting item of said function setting means is set when a predetermined time has passed a cursor(arrow) is matched with an item displayed on said screen corresponding to said setting item and the item is specified (FIG7 and C6L39-44).

Regarding claim 3, Mizuno discloses a lens layout display apparatus for a lens grinding processing apparatus comprising(C1L65-67): display means on which eyeglass lens shape data for an eyeglass frame and data of eyeglass lens grinding process required for grinding an eyeglass lens based on the eyeglass lens shape data are displayed (C3L40-45): and control means for controlling said display means, wherein said control means controls displaying of said display means (C5L50-55, arithmetic control circuit formed of a microprocessor) so that at least either or both of a tab arranged to display a layout operating screen for setting a layout of the eyeglass lens shape data, and a tab arranged to display a state of measuring an edge thickness of the eyeglass lens (C5L22 and L6), to display a simulation of a shape of a V-shaped protrusion formed on an edge of the eyeglass lens (C5L23-26), and a grinding process screen such as a state of processing of the eyeglass lens, is displayed on the displaying means(C5L22 and L6).

Regarding claim 4, Mizuno discloses a layout display apparatus for a lens grinding processing apparatus comprising: display means on which eyeglass lens shape data for an eyeglass frame, and data of eyeglass lens grinding process required to grind an eyeglass lens based on the eyeglass lens shape data are displayed (C5L22 and C3L45-52); and control means for controlling said display means (C5L50-55, arithmetic control circuit formed of a microprocessor), wherein said control means controls level display means which displays a level corresponding to a state a progress of grinding processing of the eyeglass lens composed from a step measuring an edge thickness of the eyeglass lens based on the eyeglass lens shape data, to a step on which a grinding process of the eyeglass lens has been completed, and controls displaying of said display means so that said level display means is displayed on said display means (C5L36-39 and C5L6).

Regarding claim 6, Mizuno discloses the lens layout setting apparatus for the lens grinding processing apparatus, wherein said control means controls the setting of said function setting means so that the re-arrangement of the order of said setting item is carried out according to a using frequency of said setting item is implicitly disclosed by Mizuno with "System Setting Mode".

Regarding claim 7, Mizuno discloses the lens layout setting apparatus for the lens grinding processing apparatus, wherein said control means displays said setting item of said function setting means on display means (FIG4 and FIG7).

Regarding claim 8, Mizuno discloses the lens layout setting apparatus for the lens grinding processing apparatus, wherein said function setting means performs said various settings and the setting of said setting item on display means, and said control means displays displaying of the addition or the deletion (FIG11) of said setting item, or the re-arrangement (processing sequence) of the order of said setting item.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to lens layout setting apparatus:

- a. U.S. Pat. No. 5,148,637 to Byron which discloses lens edging system with programmable feed and speed control.
- b. U.S. Pat. No. 5,664,129 to Futatsugi et al., which discloses visual programming method.
- c. U.S. Pat. No. 5,734,465 to Kajino, which discloses lens meter for measuring a shape of a progressive section.
- d. U.S. Pat. No. 5,815,150 to Shimizu, which discloses display apparatus.
- e. U.S. Pat. No. 6,170,321 to Suzuki et al., which discloses apparatus for displaying a contour of a lens-shaped template.
- f. U.S. Pat. No. 6,225,979 to Taima et al., which discloses cursor display method and apparatus for perceiving cursor as stereoscopic image in stereoscopic display region.



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g. U.S. Pat. No. 6,414,697 to Amro et al., which discloses method and system for providing an iconic progress indicator.

h. U.S. Pat. No. 6,588,898 to Iwai et al., which discloses apparatus for displaying lens contour, apparatus for processing lens contour data, and apparatus for grinding edge of eyeglass lens with the same.

i. U.S. Pat. No. 6,751,522 to Okada, which discloses lens layout setting apparatus for lens grinding process and display apparatus for the same.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Carlos Ortiz-Rodriguez

Patent Examiner

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cror

August 9, 2004

*Albert W. Paladini 8-9-04*  
**ALBERT W. PALADINI**  
**PRIMARY EXAMINER**